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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 004136

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E.O. 12958: DECL: 12/19/2017
TAGS: [EWWT](#) [IZ](#) [MARR](#) [MCAP](#) [MOPS](#) [PBTS](#) [PGOV](#) [PINR](#) [PINS](#)
PNAT, PREL, PTER
SUBJECT: KUWAITI NAVY IN DISPUTE WITH COALITION-CONTRACTED
VESSELS

REF: 12/18/2007 EMBASSY KUWAIT EMAIL FROM CHARGE
D'AFFAIRES ALAN MISENHEIMER

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Classified By: Political-Military Minister Counselor Marcie B. Ries for
reasons 1.4 (b) and (d).

¶1. (C) Summary. The Kuwaiti Navy forced two vessels contracted by the Multi-National Force in Iraq (MNF-I) for salvage operations to hastily depart from their anchored position in disputed waters in the Khawr Abd Allah waterway on December 18. This occurred despite multiple-channel appeals to the Kuwaiti Ministry of Defense (MOD) by U.S. officials. Kuwaiti motives for these actions are unclear. Post is coordinating with U.S. Embassy Kuwait to re-engage the MOD so that salvage work can resume with minimal delay and costs. End Summary.

Kuwaiti Navy Initial Warning

¶2. (C) On December 18, a Kuwaiti Navy patrol boat approached two MNF-I contracted vessels, a tug and diving platform, and warned them to leave their anchored position within twelve hours or else it would forcibly board both vessels and arrest all on-board. The patrol boat claimed the platform encroached on Kuwaiti territory. On the two vessels were 51 civilian contractors of unknown nationalities, one Iraqi harbor pilot, as well as two U.S. Navy liaison officers (LNOs). According to these LNOs, the vessels' navigational aids and charts placed them in Iraqi waters near the middle of the Khawr Abd Allah waterway (note: reported geographic coordinates were 29 deg 48.846N and 48 deg 28.99E, end note).

New Deadline, Hasty Departure

¶3. (C) At 1100 local time, the vessels received another warning from the patrol boat to vacate the area by 1700. Despite multiple-channel appeals from the U.S. Central Command and U.S. Embassy Kuwait, the Kuwaiti Ministry of Defense insisted that all operations cease on the platforms by 1600 and for all personnel to depart. According to U.S. military sources, armed Kuwaiti helicopters and patrol boats circled the two vessels and once again instructed the captain by bridge-to-bridge communication to leave or be boarded. Because there was not enough time to complete the normal departure procedures, the captain elected to cut the anchor

cables on the diving platform and subsequently steamed away towards Umm Qasr, Iraq with the platform in tow. During this hasty departure, the diving platform lost three anchors with anchor chains and 1,200 feet of cable.

Under MNF-I Contract

14. (U) These two vessels are under MNF-I contract to complete a detailed survey using divers of four wrecked ships that are navigational hazards in waterways approaching the Iraqi ports of Umm Qasr and Kor Al Zubayr. The survey is preparatory for eventual removal of the wrecks. This contract is funded through the MNF-I Commander's Emergency Response Program (CERP). MNF-I estimates delay cost at about \$40,000 per day and also expects the costs of recovering the three anchors, anchor chains, and cable to be substantial.

Disputed Territory

15. (C) The Khawr Abd Allah (KAA) waterway has a long history of maritime border disputes, many of which were resolved by a UN-demarcation commission in the early 1990s. According to Post and MNF-I legal officers, there is still ambiguity in the boundary line near these salvage operations, in part because the UN-demarcation does not extend out that far into the waterway but is within the claimed 12 nautical mile sea of both countries. Additionally, the right of unimpeded transit noted by the UN commission does not include diving rights; these require coordination with one or both countries. In this case, the captain of the salvage vessel stated his belief that the entire operation was in Iraqi territorial waters for which he had coordination.

Way Ahead

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16. (C) Post appreciates and accepts the offer in reference email by U.S. Embassy Kuwait to facilitate coordination with the GOK for mutually-agreed terms of reference (TOR) in order to resume this MNF-I mission. Post would like to reiterate that the wrecked ships pose a hazard to all ships in the KAA waterway and MNF-I is conducting the salvage operation on behalf of the international community as part of its mission in Iraq. Because the salvage vessels cannot continue many of their other missions in non-disputed waters without the anchors and cables, the most important first step is recovery of the lost diving platform equipment.

CROCKER